

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KEITH D. MORRISON II,
Petitioner

No. 3:24-cv-0633

(Judge Munley)

v.

WARDEN, SCI-COAL TOWNSHIP,
Respondent

MEMORANDUM

I. Background

On April 11, 2024, Petitioner, Keith D. Morrison, an inmate confined in the State Correctional Institution, Coal Township, Pennsylvania, filed the above captioned petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254. (Doc. 1). He challenges a sentence imposed by the Montgomery County Court of Common Pleas. Id. The filing fee has been paid. (Doc. 4). For the reasons outlined below, the Court will transfer the petition to the United States District Court for the Eastern District of Pennsylvania.

II. Discussion

Petitioner is challenging his 2016 sentence in the Montgomery County Court of Common Pleas. (Doc. 1). The district in which Petitioner was convicted is the Eastern District of Pennsylvania.

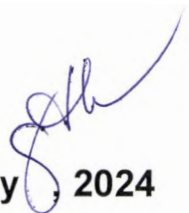
In states with two or more federal judicial districts, a state prisoner may file a habeas petition in one of two federal district courts: (1) the federal judicial district where the prisoner is in custody; or (2) the federal judicial district where the state court of conviction is located. 28 U.S.C. §2241(d). Each of those districts have “jurisdiction to entertain the petition.” *Id.* Section 2241(d), however, also provides that a district court “in the exercise of its discretion and in furtherance of justice,” may transfer a petitioner’s §2254 petition to “the district court for the district within which the State court was held which convicted and sentenced [the petitioner].” 28 U.S.C. §2241(d). Additionally, 28 U.S.C. §1404 vests a district court with the authority to transfer any civil action, “for the convenience of the parties and witnesses, in the interest of justice,” to any district where the action might have been brought. 28 U.S.C. §1404(a).

In this case, Morrison is currently incarcerated at SCI-Coal Township, which is located in Northumberland County, which is within the territorial

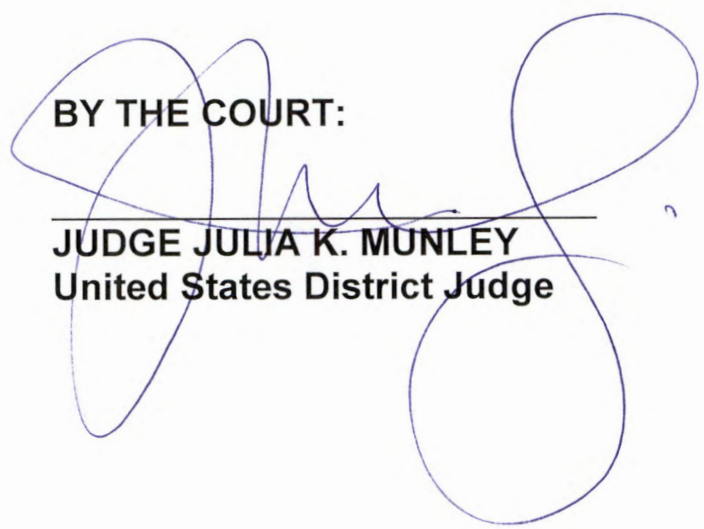
boundaries of the Middle District of Pennsylvania. However, in his petition, Morrison challenges the validity of his sentence which was obtained in the Montgomery County Court of Common Pleas, which is located within the territorial boundaries of the Eastern District of Pennsylvania. See 28 U.S.C. §118(a). Since the trial court, as well as any records, witnesses and counsel, are located within the United States District Court for the Eastern District of Pennsylvania, the Court will transfer this action to the Eastern District.

III. CONCLUSION

For the reasons set forth above, the Court will transfer the above captioned action to the United States District Court for the Eastern District of Pennsylvania. A separate Order will be entered.


Date: May, 2024

BY THE COURT:



JUDGE JULIA K. MUNLEY
United States District Judge